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Via ECF & Via Fax at (212) 805-6737

Honorable George B. Daniels
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Giordano-Forkan, Rose vs. the City of New York, et al.
Docket No. 13 Civ. 06950 (GBD)
First Application for Adjustment of Summary Judgment Briefing Schedule

Dear Judge Daniels:

I am a Senior Counsel in the office of Zachary W. Carter, Corporation Counsel for the City of New York, attorney for the defendants in the above-captioned action. Pursuant to Your Honor's Motion and Individual Practices, Rule 2.F, defendants write to request a brief enlargement of time to serve and file defendants' anticipated motion for summary judgment.

Pursuant to Your Honor's Order, filed August 19, 2015, defendants' anticipated motion for summary judgment is due to be filed on or before Friday, September 18, 2015. Defendants now seek a modification of the briefing schedule set in Your Honor's August 19th Order such that they might serve their motion two weeks later, on Friday, October 2, 2015. This is the first application for a modification of the briefing schedule. Defendants discussed their proposed application to adjust the briefing schedule this afternoon with counsel for plaintiff, who offered his consent to the instant application.

Defendants accordingly propose the following adjusted briefing schedule:

- Defendants' anticipated summary judgment motion papers to be served on or before Friday, October 2, 2015;
- Plaintiff's opposition to defendants' anticipated summary judgment motion to be served on or before Monday, November 9, 2015;
- Defendants' reply, if any, to be served on or before Monday, November 23, 2015.

In light of Rosh Hashana, observed earlier this week, supervisory personnel in this office had been away on scheduled leave, and I had not proposed the initial briefing schedule with these dates in mind. This modification of time is sought to permit sufficient time for supervisory personnel in this office to review a draft of defendants' motion papers in advance of service.

In addition, the parties have continued their discussions regarding settlement through the mediator, Al Appel, of Stroock & Stroock & Lavan LLP, with the most recent discussion having taken place earlier this afternoon. Should the briefing schedule be adjusted, this will permit the parties a final opportunity to attempt to resolve this matter prior to moving for summary judgment.

Finally, oral argument relative to the anticipated summary judgment motion is presently scheduled for November 12, 2015 at 10:30 am, and defendants request that this date be rescheduled for December 3, 2015 at 10:30 am, or another date and time at the Court's earliest convenience.

I thank the Court for its consideration of this request.

Respectfully submitted,

/s/

Stephen P. Pischl
Senior Counsel

cc: Bryan D. Glass, Esq. (by ECF)
Glass Krakower LLP
Attorney for Plaintiff